

# **LEGAL ACTION REPORT**

## **TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, MARCH 11, 2008 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ 9:01 A.M.**

### **1. ROLL CALL**

#### **Police Board Members:**

Robert Walkup - Chair  
Marion Pickens - Member Absent/Excused  
Joe Ladenburg - Member  
Mike Gurr - Member  
JD Kragnes - Member

#### **Fire Board Members:**

Robert Walkup - Chair  
Marion Pickens - Member Absent/Excused  
Joe Ladenburg - Member  
Mike McKendrick - Member  
Roger Tamietti - Member Absent/Excused

### **2. POLICE CONSENT AGENDA: ITEMS A – \*F**

- A. MINUTES FOR APPROVAL – 02/12/08
- B. PENSION PAYROLL – Addition of Normal Service Retirement for William Cook out of DROP in the amount of \$4,168.85. Addition of Normal Service Retirement for Joel McMillon out of DROP in the amount of \$2,269.13.
- C. NORMAL SERVICE RETIREMENT  
William Cook – Last day worked 02/22/08 – Pension effective 03/01/08  
Joel McMillon – Last day worked 02/28/08 – Pension effective 03/01/08
- D. DEFERRED RETIREMENT OPTION PLAN  
Ralph Carrillo – Election to participate in the DROP 02/29/08  
Rene Gomez – Election to participate in the DROP 02/29/08

Roger Nusbaum – Election to participate in the DROP 02/14/08

- E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY
- F. EXPENDITURE STATEMENT IN THE AMOUNT OF \$450.00 FOR PHYSICAL for Dennis Widener and Richard Douglas from Dr. Dennis Thrasher at Sunnyside Medcenter

**MOTION** by Mr. Kragnes, seconded by Mr. Gurr that Police Board Items A – F is adopted as written and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Ms. Pickens absent/excused).

**3. FIRE CONSENT AGENDA: ITEMS A – E**

- A. MINUTES FOR APPROVAL – 02/12/08
- B. PENSION PAYROLL – Addition of Normal Service Retirement for Nickolas Young out of DROP in the amount of \$ 2,451.15. Deletion of Normal Service Retirement Benefits for Arthur Apodaca due to his death on 02/07/08 and addition of Survivor benefits for Joyce Apodaca in the amount of \$2,771.52.
- C. NORMAL SERVICE RETIREMENT  
Nickolas Young– Last day worked 2/28/08 – Pension effective 03/01/08
- D. SURVIVOR PENSION  
Joyce Apodaca – Arthur passed away 02/07/08 – Pension effective 03/01/08
- E. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

**MOTION** by Mr. McKendrick, seconded by Mr. Ladenburg that Fire Board Items A – E is adopted as written and the appropriate action taken. Motion **CARRIED** by a roll call vote of 3-0. (Ms. Pickens and Mr. Tamietti absent/excused)

**4. APPLICATION FOR DISABILITY PENSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police – Attachments  
Dennis Widener

There was no executive session.

**5. APPLICATION FOR DISABILITY RETIREMENT**

**Direction regarding Executive Session**

Police

Dennis Widener

**MOTION** by Mr. Gurr, seconded by Mr. Kragnes that based on the medical evidence provided and letter by Dr. Thrasher the board approve the application for Permanent Accidental disability retirement for Mr. Dennis Widener. Motion **CARRIED** Unanimously.

**6. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL**

**EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

**Police** – Attachments

Virgil Judd - DOR: 04/28/00 DOH: 09/18/94 Last Physical: 03/21/06  
Mariam Law - DOR: 05/28/98 DOH: 07/16/90 Last Physical: 04/07/06  
Richard Law - DOR: 04/19/07 DOH: 02/05/90 Last Physical: 04/04/07  
Arthur Soto - DOR: 01/30/02 DOH: 06/15/92 Last Physical: 02/22/07

There was no executive session.

**7. CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL**

**Board Direction Regarding Executive Session**

**Police**

Virgil Judd  
Mariam Law  
Richard Law  
Arthur Soto

**MOTION** by Mr. Gurr, seconded by Mr. Kragnes that keeping with Board Policy, that the Board request that Ms. Mariam Law and Mr. Virgil Judd take their annual physical and Mr. Richard Law and Mr. Arthur Soto have complied with Rule 16 and the requirement will be waived this year but will be reviewed again in one year. Motion **CARRIED** unanimously.

8. **COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL EXECUTIVE SESSION**  
**Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Police - Attachments  
Richard Douglas

There was no executive session.

9. **COMPLIANCE WITH RULE 17 – ANNUAL PHYSICAL Board Direction Regarding Executive Session**

Police  
Richard Douglas

**MOTION** by Mr. Gurr, seconded by Mr. Kragnes that Mr. Richard Douglas has complied with Rule 16 and continues to be eligible for a permanent accidental disability pension and will be reviewed again in one year. Motion **CARRIED** unanimously.

10. **ELECTIONS**

Police & Fire - update

There was no action taken on this item.

11. **LEGISLATION**

Police & Fire - attachments

There was no action taken on this item.

12. **LOCAL BOARD SEMINAR  
TUCSON CONVENTION CENTER  
FRIDAY, MARCH 28, 2008**

Police & Fire - update

There was no action taken on this item.

**13. RETIREMENT SEMINAR FOR POLICE AND FIRE  
TPD SUBSTATION 1310 W. MIRACLE MILE**

Police & Fire - attachments

There was no action taken on this item.

**14. FUND INFORMATION**

Police & Fire

There was no action taken on this item.

**15. ADJOURNMENT (9:17 a.m.)**

Police

**MOTION** by Mr. Gurr, seconded by Mr. Kragnes to adjourn the Police Board.

Fire

**MOTION** by Mr. McKendrick, seconded by Mr. Ladenburg to adjourn the Fire Board.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, April 8, 2008, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.